

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: LINDA RAE FERNANDEZ
MIGUEL FERNANDEZ

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

vs.

LINDA RAE FERNANDEZ
MIGUEL FERNANDEZ

CASE NO: 1-20-02689-HWV

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE
FOR FAILURE TO OBTAIN CREDIT COUNSELING**

AND NOW, on September 25, 2020, Charles DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case for the following reason(s):

- 1) A Petition under Chapter 13 was filed on September 9, 2020.
- 2) The Debtor(s) did not comply with the credit counseling requirements of 11 U.S.C. Sections 109(h) and 521(b) and therefore do not qualify as a debtor under the Bankruptcy Code.

WHEREFORE, your Trustee prays that this Honorable Court enter an Order dismissing the above-captioned case.

Respectfully Submitted,

s/ Charles J. DeHart, III
Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Fax: (717) 566-8313
Email: dehartstaff@pamd13trustee.com

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CHAPTER 13

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NOTICE

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss. The Debtor(s) did not comply with the credit counseling requirements of 11U.S.C. Sections 109(h) and 521(b) and therefore do not qualify as a debtor under the Bankruptcy Code.

If you wish to contest this matter, you must file an objection with the Bankruptcy Clerk on or before **October 16, 2020** and serve a copy on the movant and counsel. Any filing must conform to the Rules of Bankruptcy Procedure.

If no objections are filed, an order may be entered dismissing the case.

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097

Dated: September 25, 2020

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IN RE: LINDA RAE FERNANDEZ
MIGUEL FERNANDEZ

Debtor(s)

CHAPTER 13

CASE NO: 1-20-02689-HWV

CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on September 25, 2020, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail, unless served electronically.

CHAD J JULIUS ESQUIRE
LAW OFFICES OF LESLIE D JACOBS
8150 DERRY STREET
HARRISBURG, PA 17111-5212

Served electronically

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

Served electronically

LINDA RAE FERNANDEZ
MIGUEL FERNANDEZ
818 PENNSYLVANIA AVENUE
YORK, PA 17404

Served by 1ST class mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: September 25, 2020

Vickie Williams
for Charles J. DeHart, III, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: dehartstaff@pamd13trustee.com

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CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

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vs.

LINDA RAE FERNANDEZ
MIGUEL FERNANDEZ

MOTION TO DISMISS

Respondent(s)

ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED.